

Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-10 L-03
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FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 7334
INFO AMEMBASSY BONN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USBERLIN
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USDOEHQ WASHDC
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USIAEA

DEPT PASS IO/SCT
DOE PASS AMMONS, IA

E.O. 11652: N/A
TAGS: PGOV, PFOR, WB, GW, US, UK, SR, UR, IAEA
SUBJECT: SOVIET REPLY TO U.S./U.K./FRANCE NOTES
VERBALE DATED JANUARY 27, 1978 RE SOVIET AND GDR
STATEMENTS ON VISAS FOR WEST BERLIN

REFERENCE: VIENNA 978

1. MISSION HAS RECEIVED COVER LETTER FROM IAEA DATED
JULY 25, 1978 SENT TO ALL MEMBER STATES ENCLOSING A
NOTE VERBALE ADDRESSED TO IAEA FROM PERMANENT MISSION
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OF USSR TO THE INTERNATIONAL ORGANIZATIONS IN VIENNA.

2. TEXT OF SOVIET NOTE VERBALE FOLLOWS:

"THE PERMANENT MISSION OF THE UNION OF SOVIET
SOCIALIST REPUBLICS TO THE INTERNATIONAL ORGANIZATIONS
IN VIENNA PRESENTS ITS COMPLIMENTS TO THE DIRECTOR

GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY AND WITH REFERENCE TO HIS LETTER 0/111 OF 9 FEBRUARY 1978, TO WHICH WAS ATTACHED A COPY OF A NOTE VERBALE FROM THE PERMANENT MISSIONS OF FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA OF 27 JANUARY 1978, HAS THE HONOUR TO STATE THE FOLLOWING.

THE SOVIET SIDE CANNOT AGREE WITH THE ASSERTIONS CONTAINED IN THE NOTE REFERRED TO. AS IS KNOWN, THE ISSUE OF VISAS TO FOREIGNERS IS DIRECTLY RELATED TO THE EXERCISE OF SOVEREIGNTY BY A STATE OVER ITS TERRITORY. THE AUTHORITIES OF THE FEDERAL REPUBLIC OF GERMANY CANNOT DECIDE SUCH MATTERS WHEN APPLICABLE TO THE TERRITORY OF WEST BERLIN, SINCE UNDER THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 WEST BERLIN IS NOT A CONSTITUENT PART OF THE FRG AND IS NOT GOVERNED BY IT.

THE REFERENCES MADE BY THE THREE POWERS TO THE PRACTICE THAT EXISTED BEFORE THE ENTRY INTO FORCE OF THE QUADRIPARTITE AGREEMENT CANNOT BE REGARDED AS VALID. THIS PRACTICE, AS IS KNOWN, WAS A VIOLATION OF THE AGREEMENTS AND ARRANGEMENTS GOVERNING THE LEGAL STATUS OF WEST BERLIN, AND THE SOVIET UNION NEVER RECOGNIZED ITS LEGITIMACY. THE ASSERTION THAT THE QUADRIPARTITE UNCLASSIFIED

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AGREEMENT SANCTIONED THIS ILLEGAL PRACTICE RETROACTIVELY IS ENTIRELY INCORRECT. RATHER THE OPPOSITE, THE QUADRIPARTITE AGREEMENT CONFIRMED THE VALIDITY OF THE SOVIET POINT OF VIEW BY DETERMINING THAT THE FRG COULD NOT REPRESENT THE INTERESTS OF WEST BERLIN ABROAD IN AREAS AFFECTING QUESTIONS OF STATUS AND SECURITY. IT IS QUITE CLEAR THAT THE ISSUE OF VISAS IS IN FACT A MATTER DIRECTLY AFFECTING QUESTIONS OF STATUS AND SECURITY.

THE PERMANENT MISSION OF THE USSR REQUESTS THE DIRECTOR GENERAL OF THE IAEA TO BRING THE CONTENTS OF THIS LETTER TO THE NOTICE OF ALL STATES MEMBERS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

THE PERMANENT MISSION OF THE USSR TO THE INTERNATIONAL ORGANIZATIONS IN VIENNA TAKES THIS OPPORTUNITY OF REITERATING TO THE DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY THE ASSURANCES OF ITS HIGHEST ESTEEM."

3. COPY OF NOTE POUCHED JILLSON, IO/SCT.

4. MISSION ASSUMES U.S., U.K. AND FRANCE MAY WISH TO
RESPOND TO SOVIET NOTE. PLEASE ADVISE. KIRK

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